

REMARKS

In response to the Office Action mailed April 28, 2005, the applicant provides the above amendments and the following remarks. With this amendment, the applicant has filed a request to extend the response deadline to October 28, 2005.

In the Office communication, the Examiner makes the following objections and rejections: A) the terms “fast clutch” and “material shortage” are not consistent with terminology used with reference to rubbing strips of the type disclosed. More appropriate terms might be “connection” and “hollow area” respectively; B) claims 1-3, 9, 10, 13-15, 21, 22 and 24-26 are rejected under 35 U.S.C. § 102 (b) as being anticipated by Driver; C) claims 1-3, 10, 13-15, 22 and 24 are rejected under 35 U.S.C. § 102 (b) as being anticipated by Rubin et al.; D) claim 12 is rejected under §103(a) as being obvious over Rubin et al; and E) claims 4-8, 11, 16-20 and 23 are objected to as being dependent upon a rejected base claim, but allowable if rewritten in independent form. Applicant herein cancels claims 2, 10, 14, and 23, and adds claims 27 and 28. The application currently contains pending claims 1, 3-9, 11-13, 15-22, and 24-28.

Based on the above amendments and the following remarks, applicant respectfully requests that the Examiner enter the amendments and reconsider the objections and rejections. Applicant asserts that the application and all pending claims are now in condition for allowance.

A. Response to objections to specification

Applicant amends the specification and the claims, replacing the terms “fast clutch” and “material shortage” with the terms “connection” and “hollow area”, respectively, as recommended by the Examiner.

B. Response to rejection under § 102 (b) over Driver

The Examiner rejects originally filed claims 1-3, 9, 10, 13-15, 21, 22 and 24-26 under 35 U.S.C. § 102 (b) as being anticipated by Driver.

Driver discloses a rub rail comprising a base strip 30/230 adapted to be fixed to the hull and a center member 40/240, which is attached to the base strip. The base strip 30/230 comprises a rib 38 (groove 236) formed centrally in the base strip; and the center member 40/240 comprises a complementary clip 44 (rib 248).

Applicant highlights that the form of the rib/groove and clip/rib structures of Driver does not teach or suggest any mortise element configured to be received within a base. Accordingly, the form of the groove 236 or clip 44 has a cross-sectional shape resembling a jigsaw-puzzle recess (see column 5 lines 39-40), with a throat that is too narrow for receiving any possible mortise element.

Moreover, currently amended claim 1 is directed toward a protection structure comprising a plurality of tenon and mortise elements which not only are configured to be coupled to each other to fix the profile to the base, but also are configured to be disengaged from each other by sliding the profile with respect to the base. Applicant remarks that, due to the limited and preselected lengths of the tenon and mortise elements, the profile slides in the longitudinal direction provided each tenon element unhooks and releases the respective mortise element. Thanks to the invention, the limited length of the mortise and tenon joint requires only a relatively short distance of sliding between the profile and the base in order to perform the mutual disengagement of the tenon and mortise elements. In addition, Applicant highlights that the longitudinal sliding of the profile (as opposed to removal through perpendicular pulling provides the advantage of reducing the risk of damage to the coupling between the tenon element and mortise element, thus ensuring a long lasting joint.

On the contrary, the disclosure of Driver does not suggest any such interrelationship or correlation between the clip/rib structures with the complementary rib/groove structures. Therefore, Driver does not teach or suggest any joint structures having preselected lengths for being mutually disengaged from one other by sliding the center member 40/240 with respect to the base strip 30/230.

In the light of the above arguments, the Applicant asserts that Driver's disclosure not only teaches away from a protection structure having the inventive features discussed immediately above, but also teaches a protection structure that does not meet the features of the

present invention. Therefore, applicant asserts that claims 1, 3-9, 11, 12, 25 and 26 are not rejectable under §102 (b) or §103 over Driver, and requests that the Examiner withdraw this rejection.

In addition, Applicant amends claim 13 to include all of the features of claims 14 and 23. Claim 23 had previously been indicated as allowable pending amendment into independent form. Accordingly, applicant asserts that claim 13, 15-22 and 24 are not rejectable over Driver, and requests that the Examiner withdraw this rejection.

C. Response to rejection under § 102 (b) over Rubin et al

The Examiner also rejects originally filed claims 1-3, 10, 13-15, 22 and 24 under 35 U.S.C. § 102 (b) as being anticipated by Rubin et al. Rubin et al. discloses a protective strip assembly comprising a resilient strip 32 having a pair of spaced apart legs 36, 38, which are assembled in a channel member 14 with beads 18, 20 on the side of the channel member 10 engaging grooves in the sides of the legs. Applicant asserts that Rubin et al. does not teach or suggest any truly-named tenon and mortise joint. The strip of Rubin is made of rubber that is too resilient for obtaining a truly-named joint of tenon and mortise elements. Moreover, the rubber strip of Rubin et al. is not configured to slide with respect to the channel member 14 for being mutually disengaged. In this regard, applicant highlights that Rubin et al. clearly discloses (see column 3, lines 5 to 10 and figure 2) that a plurality of channel sections 10 may be arranged end to end and are joined together by a spline member 48 positioned in the center channels 31 of adjacent channels 10. Therefore, the channel sections 10 connect to each other to form a single entity. Rubin's disclosure makes it clear that the resilient strip 32 and the channel sections 10 form a unique joint and are not adapted to slide one respect to the other. In addition, applicant highlights that the protective strip assembly of Rubin et al. comprises two opposite end cups 50 which are secured to the respective terminal portion of the assembly (see column 3, lines 5 to 10). These cups avoid any possible sliding of the resilient strip 32. Accordingly, Rubin's disclosure not only teaches away from a protection device having the inventive features discussed immediately above, but also teaches a device that does not meet the features of the present

invention. Therefore, applicant asserts that claims 1, 3-9, 11, 12, 25 and 26 are not rejectable under §102 (b) or §103 over Rubin et al., and requests that the Examiner withdraw this rejection.

In addition, as above reported, according to the Examiner's prior approval, applicant amends claim 13 including all of the features of claims 14 and 23. Accordingly, applicant asserts that above claims 13 and 15-22, 24 are not rejectable over Rubin et al.

D. Response to rejection under §103(a) as being obvious over Rubin et al

The Examiner rejects claim 12 under §103(a) as being obvious over Rubin et al. As indicated above, applicant asserts that claim 12 is allowable, as being dependent from currently amended claim 1.

E. Response to objection to dependent claims

The Examiner objects claims 4-8, 11, 16-20 and 23 as being dependent upon a rejected base claim, but allowable if rewritten in independent form.

Applicant asserts that claims 4-8, 11 are no longer objectionable as being dependent from currently amended claim 1, and requests that the Examiner withdraw this objection.

In addition, as above reported under B) and C), Applicant includes all of the features of claims 14 and 23 in new claim 13. Accordingly, applicant asserts that claims 16-20 (claim 23 has been cancelled) are no longer objectionable, as being dependent from currently amended claim 13, and requests that the Examiner withdraw this objection.

F. Conclusion

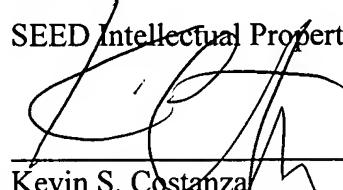
Based on the above amendments and remarks, applicant believes that the present application is in condition for allowance and respectfully requests the same. The applicant invites the Examiner to contact the undersigned by telephone to discuss any of the above issues or other issues.

The Commissioner is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

All of the claims remaining in the application are now clearly allowable.
Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

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